REMARKS

Applicant has carefully reviewed the Final Office Action mailed May 9, 2007, and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 29-35 and 49-58 are pending. No claims are added or cancelled in this response. Accordingly, claims 29-35 and 49-58 remain pending.

Rejection of Claims 29-35 and 49-58 under 35 U.S.C. § 103(a)

Claims 29-35 and 49-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,717,374 to Smith (hereinafter "Smith") in view of U.S. Patent No. 6,166,734 to Nahi et al. (hereinafter "Nahi"). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must establish *prima facie* obviousness by showing where each and every element is taught or suggested in the combined references. MPEP § 2143.03.

Applicant respectfully submits that multiple elements of independent claims 29, 49, and 58 are not taught or suggested within the cited combination of references. Further, Applicant has amended claims 29, 49, and 58 to clarify that the interactive graphical user interface is provided at a fixed-location fueling position on a fuel dispenser. No new matter has been added. Applicant respectfully resubmits that neither Smith nor Nahi teach or suggest providing a consumer with an enhanced interactive interface in the form of a browser executed as a thin client using a markup language to present hypertext links to the consumer to allow the consumer to interactively manage navigation within the browser to make purchasing decisions at a fixed-location fuel dispenser. In fact, Nahi teaches portable display tablets 20a-c and Smith teaches a display console 1c and a data entry console 1d within a vehicle 1. As such, at least these elements of claims 29, 49, and 58 are not taught or suggested within the cited references and the Patent Office has not established a *prima facie* case of obviousness for at least these reasons. While further distinctions and elaborations will be discussed below, Applicant respectfully submits that claims 29, 49, and 58 are allowable for at least these reasons and the rejection of claims 29, 49, and 58 should be withdrawn.

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Applicant further respectfully resubmits that the Patent Office has misinterpreted the teachings of the combination of Smith and Nahi. The Patent Office asserts that Smith teaches a markup language. (See Final Office Action mailed May 9, 2007, p. 3, citing col. 11, l. 31 to col. 12, l. 29 of Smith). However, Applicant has again reviewed the cited section of Smith and finds that Smith actually teaches storage of stock market quotations to a memory in a form that allows them to be "individually retrieved" from the memory 1b. (See Smith, col. 12, ll. 20-21). As such, Applicant respectfully submits that each stock quotation received is a unique piece of data that may be individually stored to and individually retrieved from the memory 1b. In fact, Smith further notes that the quotation symbols for which quotes are to be requested may be stored as a "pre-stored list" within the memory 1b. (See Smith, col. 12, ll. 3-4). List-based storage was a common technique in the mid-1990's and data was commonly transmitted as individual data elements or lists during that era. A person of ordinary skill in the art at the time of the present invention would read Smith as teaching a text list-based system where stock ticker symbols and stock quotes may be transmitted, received, and stored as a list of data symbols or quotes, respectively. As such, there is no teaching whatsoever within Smith of the stock quotations being provided in a markup language and the Patent Office has not proven a *prima facie* case of obviousness because at least this element is missing from the claims. Accordingly, the rejection of claims 29, 49, and 58 is improper and should be withdrawn for at least this additional reason.

Applicant further respectfully submits that the Patent Office has further misinterpreted the teachings of the combination of Smith and Nahi in at least one additional regard. Independent claims 29, 49, and 58 recite, among other things, "prompting the customer to select a service with the displayed information . . . ." The Patent Office asserts that Smith teaches these elements. (See Final Office Action mailed May 9, 2007, p. 4, citing col. 9, l. 33 to col. 10, l. 55 of Smith). However, there are multiple limitations within this element of claims 29, 49, and 58 which are not met.

First, Applicant has again reviewed this section of Smith and finds no teaching of prompting the customer to select a service with information received in response to receipt of a markup language. In fact, the cited sections of Smith teach a database 51 comprised of a Message_Set_54 and a Message_Set_2 56, up to a Message_Set_n 58. Each message set has a fixed number of text-based elements i, j, and n, respectively. Smith teaches that the text-based messages are "predetermined" messages. (See Smith, col. 9, ll. 40-41). Smith further teaches

that in response to information that is transferred from the vehicle, the remote station 52 selects a message and transfers the message to the local station 50 within the vehicle and the messages may be displayed, stored, or printed. (See *Id.* at col. 10, ll. 11-18). However, there is absolutely no teaching with the cited section of Smith of the user responding to any of the discrete text-based messages. As further evidence that Smith does not teach prompting a user to select a service with displayed information provided in response to receipt of a markup language, Smith teaches that the user must use "the data entry console 1d to initiate a query . . . ." (See Smith, col. 11, ll. 67, emphasis added). A user initiating activity is not the same as prompting a customer for a selection. As such, the cited section of Smith does not teach prompting the customer to select a service, as required by independent claims 29, 49, and 58.

Additionally, the recited element of claims 29, 49, and 58 requires the customer to select the service "with" the displayed information. Smith teaches that the user must use "the data entry console 1d to initiate a query . . . ." (See Smith, col. 11, ll. 67, emphasis added). As such, in addition to not prompting the user as discussed above, Smith does not allow the user to select a service "with" displayed information. The user uses the data entry console and does not select any service "with" displayed information. This further proves that Smith does not teach or suggest the elements relied upon by the Patent Office. Smith does not prompt a user to select a service with displayed information, wherein the displayed information is provided in response to receipt of a markup language. Smith actually requires the user to initiate any queries and to initiate those queries using the data entry console 1d, not with the displayed information. Accordingly, the Patent Office has not established a *prima facie* case of obviousness and the rejection of claims 29, 49, and 58 should be withdrawn for at least these additional reasons.

Applicant further respectfully submits that Smith and Nahi are not analogous art. Applicant's invention is related to an Internet capable browser dispenser architecture. Information is displayed on an interactive graphical user interface in response to receipt of a markup language and a customer is prompted to select a service with the displayed information. In contrast, Smith is directed to a method and apparatus for "inputting" messages to a vehicle, yet provides no teaching or suggestion of a user being prompted to respond, or of the user responding to any information input to the vehicle. Nahi is directed to a portable interactive graphics display tablet for executing an application with a predetermined operation function that generates predetermined graphics on the display tablet. As such, neither Smith nor Nahi are

yet provides no teaching or suggestion of a user being prompted to respond, or of the user responding to any information input to the vehicle. Nahi is directed to a portable interactive graphics display tablet for executing an application with a predetermined operation function that generates predetermined graphics on the display tablet. As such, neither Smith nor Nahi are analogous art. Furthermore, Smith and Nahi are not even directed to the same problem as Applicant's invention. Applicant's invention is directed toward prompting a customer to select a service with displayed information. Neither Smith nor Nahi are directed toward prompting a customer. Accordingly, neither Smith nor Nahi are analogous art and the rejection of claims 29, 49, and 58 should be withdrawn for at least this additional reason.

Dependent claims 30-35 and 57 depend on claim 29. Dependent claims 50-56 depend on claim 49. As such, the rejection of claims 30-35 and 50-57 should be withdrawn for at least the same reasons as the respective independent claims from which they depend. Applicant respectfully submits that claims 29-35 and 49-58 are in condition for allowance and notice of the same is requested at the earliest possible date.

Conclusion

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

Steven N. Terranova
Registration No. 43,185
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

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